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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 LEEANN E. ARCHULETA; and MICHAEL B.
7 DICKENS,

8 Plaintiffs,

2:15-cv-01608-MMD-VCF
ORDER

9 vs.
10 CORRECTIONS CORPORATION OF
11 AMERICA, *et al.*,

12 Defendants.

13 Before the court is the Motion to Withdraw as Attorney for Plaintiff Michael B. Dickens (ECF No.
14 67). Robert P. Spretnak, Esq. asks for leave of court to withdraw as counsel of record for Plaintiff Michael
15 B. Dickens. Counsel states that Plaintiff has failed to communicate with him. *Id.* There are no pending
16 hearings or motions. Discovery ends on March 4, 2019 and trial date has not been set.

17 **Discussion:**

18 Under Local Rule 7-2(d), [t]he failure of an opposing party to file points and authorities in response
19 to any motion shall constitute a consent to the granting of the motion. Here, no opposition has been filed
20 and the time to oppose has passed.

21 Pursuant to Local Rule IA 11-6(b), “[n]o attorney may withdraw after appearing in a case except
22 by leave of court after notice has been served on the affected client and opposing counsel.” “Except for
23 good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any
24 hearing in the case would result.” LR IA 11-6(e). Nevada Rule of Professional Conduct 1.16(b)(5)
25 provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer

1 regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw
2 unless the obligation is fulfilled." Here, based on Plaintiff's counsel's representation that Plaintiff has
3 failed to communicate with his counsel, the Court permits counsel to withdraw. LR IA 11-6(b); NRPC
4 1.16(b)(5). The Court finds that permitting counsel to withdraw would not result in delay. LR IA 11-6(e).

5 Accordingly, and for good cause shown,

6 IT IS HEREBY ORDERED that the Motion to Withdraw as Attorney for Plaintiff Michael B.
7 Dickens (ECF No. 67) is GRANTED.

8 IT IS FURTHER ORDERED that Mr. Spretnak must mail a copy of this order to Plaintiff Dickens.

9 IT IS FURTHER ORDERED that Plaintiff Dickens must either retain counsel or file a notice of
10 appearing *pro se* on or before February 25, 2019.

11 IT IS FURTHER ORDERED that Plaintiff Dickens must file with the Court written notification
12 of any change of address.

13 The Clerk of Court is directed to mail a copy of this order to Plaintiff Dickens at the following
14 address:

15
16 Michael B. Dickens
17 5819 First Street
Crosby, Texas 77532

18 DATED this 28th day of January, 2019.



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20 CAM FERENBACH
21 UNITED STATES MAGISTRATE JUDGE
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